

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1186 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

DALIBEN M LEWA

Versus

DIRECTOR-CENTRAL STOCK AND HOLDING CENTRAL MEDICAL STORES

Appearance:

MS SADHNA SAGAR for Petitioner

MR MUKESH A PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/10/1999

ORAL JUDGEMENT

1. The petitioner, a part-time employee (sweeper) in the office of the respondent No.1 in this petition under Article 226 of the Constitution prayed for the following relief :

To issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ or order directing the respondent to cease and

desist from terminating the services of the petitioner.

2. This special civil application was admitted after notice to the respondents on 24th September, 1991 and interim relief which has been granted by this court on 8th March, 1988 was ordered to be continued and it is continued till this date.

3. Reply to the special civil application has been filed by the respondents and in para-8 thereof it is stated that though the decision to terminate the services of the petitioner has been taken on 6th October, 1987 but for administrative convenience she has been continued. It has further been stated that upon getting the regular employee through the Employment Exchange, the services of the petitioner will have to be terminated.

4. From this affidavit it is clear that though the decision has been taken, but the services of the petitioner were not terminated and thereafter she has been continued in service under the court's order. As a result of this fact, it is a case where the petitioner continued in service and so far her services have not been brought to an end.

5. In view of this affidavit, in fact, nothing now survives in this special civil application. However, it is open to the respondents to terminate the services of the petitioner in accordance with law. In case the services of the petitioner are terminated by the respondents then as she being a workman and the respondent No.1 may be an 'industry', she has all the right to raise an industrial dispute.

6. This special civil application and Rule stand disposed of in the aforesaid terms with no order as to costs.

zgs/-